Remarks

Status of the Claims

Claims 1-107 were pending. Applicant notes that there were two claims No. 106 pending, the second of which is renumbered 107. Claims 2, 7, 10-13, 17-28, 30, 33, 38 and 40-47 are canceled herein without prejudice or disclaimer. Applicants reserve the right to prosecute the canceled subject matter in one or more divisional or continuation applications. Claims 53-76 and 79-106 are withdrawn as drawn to non-elected inventions. Claims 1, 3-6, 8, 9, 14-16, 29, 31, 32, 34-37, 39, 48-52, 77 and 78 are presently under examination.

Claim amendments

Claims 1, 6, 15, 52, 59, 63, 65, 75, 80, 83, 85 and 105 are amended to replace "MAb" with "antibody". The amendment is supported in the published Specification (Publ. No. 20070183970) at least at Paragraphs [0003], [0006], [0011]-[0013] and [0107].

Claim 1 is also amended to delete reference to non-elected groups and to incorporate the limitations of original claim 3.

Claim 3 is amended to incorporate the 6 light and heavy chain CDR sequences of the murine MN-3 antibody. The amendment is supported in the Specification at least at Paragraphs [0012], [0015], [0016], [0021]-[0023] and [0078].

Claim 4 is amended to delete recitation of language redundant with amended claim 3.

Claim 5 is amended to clarify the language, as the claim previously referred to multiple antibodies or fragments.

Claim 6 is amended to incorporate the limitations of original claim 7 and delete reference to Figures.

Claim 8 is amended to refer to the amino acid sequences of cMN-3VK and cMN-3VH. The amendment is supported in the Specification at least at Figure 2.

Claim 9 is amended to refer to the amino acid sequences of hMN-3VK and hMN-3VH. The amendment is supported in the Specification at least at Figure 4 and Paragraph [0020].

Claim 15 is amended to convert the claim from independent to dependent form, to reduce the number of independent claims. The amendment is supported in the Specification at least in the Abstract and at Paragraphs [0003], [0004], [0006], [0024], [0026], [0032] and [0170]-[0172].

Claim 16 is amended to incorporate the limitations of original claims 17-19, 21-24 and 27.

Claims 29, 31, 32, 34-37 and 39 are amended to be consistent with the amendment to claim 15.

Claim 39 is amended to delete a redundant Bi-213.

Claims 48-50 are amended to reduce the number of independent claims. The amendments to claim 48-50 are supported in the Specification at least at Paragraphs [0003], [0024], [0026], [0032], [0033], [0038], [0039], [0042]-[0047], [0067], [0082], [0087]-[0095], [0101]-[0104] and [0170]-[0172].

Claims 51 and 52 are amended to be consistent with the amendments to claims 48-50.

The amendment of claim 52 to refer to a second antibody or fragment that binds to a granulocyte-associated antigen is supported in the Specification at least at Paragraphs [0042] and [0044].

Claim 77 is amended to incorporate the limitations of amended claim 3.

Claim 78 is amended to eliminate method steps from the kit claim.

Applicants submit that no new matter is added by amendment.

Elections

Applicants elect the claims of Group I (Claims 1, 3-52, 77 and 78), drawn to antibodies or fragments that bind to NCA90.

Applicants elect the species of apoptotic drugs. Applicants note that the species presented for election are not mutually exclusive. E.g., anthracyclines, vinca alkaloids, camptothecins, etc. can be apoptotic drugs. The election reads on claims 1, 3-6, 8, 9, 14, 15, 29, 31, 32, 48-52, 77 and 78.

Applicants elect the species of ribonuclease (RNase). The election reads on claims 1, 3-6, 8, 9, 14, 15, 29, 34, 48-52, 77 and 78.

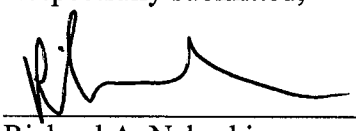
Applicants provisionally elect the species of DOTA-D-Phe-D-Lys(HSG)-D-Tyr-D-Lys(HSG)-D-Lys(Tscg-Cys)-NH_2. The election reads on claims 77 and 78.

Applicants note that the elected claims related to a product and that in the event the elected product claims are found allowable, any withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims should be rejoined.

Traversal

Applicants respectfully traverse the species election requirement relating to the targetable constructs and note that various of the restricted species share common structural and functional characteristics and/or are obvious variants of each other. For example, the elected species bears an N-terminal DOTA residue (for attachment of therapeutic or diagnostic radionuclides), and two HSG residues that serve as epitopic recognition sites for antibody binding. Those characteristics are shared with species CA, CB, CD, CE, CF, CG, CH and CM. Further, the amino acid sequences of species CA, CB, CH and CM are also very similar. Applicant respectfully submits that at least the indicated species should be examined together.

Respectfully submitted,



Dated: August 29, 2007

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